

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of September 2014, at 7:00 P.M., and there were

PRESENT:                    JOHN BRUSO, MEMBER  
                                 JILL MONACELLI, MEMBER  
                                 JAMES PERRY, MEMBER  
                                 LAWRENCE PIGNATARO, MEMBER  
                                 ARLIE SCHWAN, MEMBER  
                                 ROBERT THILL, MEMBER  
                                 RICHARD QUINN, CHAIRMAN

ABSENT:                    NONE

ALSO PRESENT:            JOHANNA M. COLEMAN, TOWN CLERK  
                                 KEVIN LOFTUS, DEPUTY TOWN ATTORNEY  
                                 SCOTT PEASE, ASST. CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: SCOTT & AUDREY PHILLIPS**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned hearing of Scott and Audrey Phillips, 145 Brunck Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a private garage on premises owned by the petitioners at 145 Brunck Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,200 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioners, therefore, request a 450 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed accessory structure is twenty-four feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioners, therefore, request an eight foot height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Scott Phillips, Petitioner	Proponent
Bruce Berger	Opponent

**IN THE MATTER OF THE PETITION OF SCOTT & AUDREY PHILLIPS**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. THILL, WHO MOVED ITS  
ADOPTION, ECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Scott & Audrey Phillips and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of September 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, but not to the extent necessary to preclude the granting of the variances.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the front yard setback of this garage shall be at least ten [10] feet greater than that of the principle residence.
- That the height of this garage shall be approximately twenty-three [23] feet.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 11, 2014

**PETITION OF: YOUNG DEVELOPMENT, INC.**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Young Development Inc., 1120 Bullis Road, Elma, New York 14059 for one [1] variance for the purpose of erecting a ground sign on premises owned by Young Development Inc. at 5828 Broadway, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a ground sign with a sign height of five feet, six inches [5' 6"] over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a one foot, six inch [1' 6"] ground sign height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing as well as the New York State Department of Transportation.

**PERSONS ADDRESSING THE BOARD**

Juraj Podolak, Project Engineer	Proponent
Represents Young Development	

**IN THE MATTER OF THE PETITION OF YOUNG DEVELOPMENT, INC.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. QUINN, WHO MOVED ITS  
ADOPTION, SECONDED BY MS. MONACELLI  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Young Development, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of September 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Multi-family Residential District 4, (MFR-4) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern, therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the variance granted, herein, is granted for an interior lit identification sign only. Any change in the character of the sign to a flashing sign, message board, or a sign of increasing or decreasing light intensity will require a variance from this board.
- That this variance is granted for an identification sign with a blue background, white lettering and white interior constant light source.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 11, 2014

**PETITION OF: RYAN S. BROWN**

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ryan S. Brown, 1500 Townline Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a private garage on premises owned by the petitioner at 1500 Townline Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,360 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 610 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the storage shed would result in a ten [10] foot side yard lot line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a fifteen [15] foot lot line set back. The petitioner, therefore, requests a five [5] foot side yard lot line set back variance.

**The Clerk presented and entered into evidence the following items:**

- Duly executed petition of the applicant with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioner of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.
- Copy of a letter notifying the Town of Alden of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Richard Brown Representing Petitioner	Proponent
George Rusk, Attorney Representing Janet Brick	Opponent
Janet Brick	Opponent
Paul Fuhrman	Opponent
Leslie Russo	Opponent
Gloria Goeitel	Opponent



**IN THE MATTER OF THE PETITION OF RYAN S. BROWN**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR.QUINN, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ryan S. Brown and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of September 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT  
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	YES
MR. QUINN	VOTED	YES

The motion to adjourn the hearing was thereupon **ADOPTED**.

September 11, 2014

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:36 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: September 11, 2014